

REMARKS

I. INTRODUCTION

In response to the Office Action dated March 6, 2008, claims 1, 9 and 17 have been amended and claims 7, 8, 18 and 19 have been canceled. Claims 1-6, 9-17, and 20-21 remain in the application. Entry of these amendments, and re-consideration of the application, as amended, is requested.

II. CLAIM AMENDMENTS

Applicant's attorney has made amendments to the claims as indicated above. These amendments are made to correct minor errors and to substantially incorporate the features of claim 7 into claims 1, 9 and 17. Accordingly, the Applicant believes that no new search will be required to determine the patentability of the claims as amended.

The Applicant is not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the examiner. The Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

III. GROUNDS OF REJECTION TO BE REVIEWED

Whether claims 1-5, 8, 9 and 13-21 are patentable under 35 U.S.C. §102(e) over U.S. Publication No. 2004/0268406, issued to Sparrell (hereinafter, the Sparrell reference).

Whether claim 6 is patentable under 35 U.S.C. §103(a) over Sparrell in view of U.S. Patent No. 7,127,734, issued to Amit (hereinafter, the Amit reference).

Whether claims 7 and 10-12 are patentable under 35 U.S.C. §103(a) over Sparrell in view of U.S. Patent No. 7,109,908, issued to Griesau (hereinafter, the Griesau reference).

IV. ARGUMENT

A. The References

1. The Sparrell Reference

U.S. Patent Publication No. 2004/0268406 by Carlton J. Sparrell (Sparrell) published December 30, 2004 discloses a centralized resource manager for distributed networks manages

resources available on the network, such as network bandwidth, CPU allocation, TV tuners, MPEG encoders and decoders, disk bandwidth, and input/output devices. The centralized resource manager also allocates the resources of network clients and a network-associated media server, in response to requests for media services via the distributed network. The centralized resource manager may include means for discovering when devices are added or removed from the network; a current, IR, or electromagnetic field sensing system for determining when video devices are turned off so that resources associated with any device not in use may be reallocated elsewhere; or a power switching system for controlling the ON or OFF state of such devices so that resources associated with any device in the OFF state may be reallocated elsewhere.

2. The Amit Reference

U.S. Patent No. 7,127,734, issued to Mati Amit (Amit) on October 24, 2006, discloses systems and methods for home network communications.

3. The Griesau Reference

US Patent No. 7,109,908, issued to Griesau (Griesau) on October 18, 2002 discloses a programmable universal remote control unit, settable in one of either a single device mode of operation or a multi-device mode of operation, and a programmable universal remote control unit which is programmable such that at least one of a plurality of buttons on the universal remote control unit, when operated, performs a plurality of specific operations such as turning specific devices on/off and setting specific devices in particular modes.

B. Claims 1-5, 8, 9 and 13-21 are Patentable Under 35 U.S.C. §102(e) over Sparrell

Claims 1-5, 8, 9, and 13-21 are rejected as unpatentable Under 35 U.S.C. §102(e). The Applicant respectfully traverses for the reasons described below.

With Respect to Claim 1: As amended, claim 1 recites:

*A system for optimizing the bandwidth on an audio/video network said system, comprising:
at least one slave client operable for communication with a master box thereby receiving network services at said at least one slave client;
a television operable for communication with one said slave client and having both an on condition and an off condition; and
wherein said television can be selectively set in either said on condition or said off condition by a user operating said remote control unit;*

wherein when said television is in said on condition, said slave client is operable to either automatically turn off substantially completely or automatically enter a sleep mode, as selectively predetermined;

wherein when said slave client is in said sleep mode, said slave client is both partially turned off and operable to record said network services and update associated databases; and wherein said at least one remote is a smart remote control that sends a first signal to said television to set said television in said off condition and a second signal unique from the first signal to said slave client regarding the status of said television.

Claim 1 has been amended to recite the features of claim 7, which was rejected as unpatentable under 35 U.S.C. §103(a) over Sparrell and Griesau. Accordingly, the Applicant here addresses the final rejection of claim 7.

The Final Office Action acknowledges that Sparrell does not teach that the remote control is a "smart" remote control that is operable to transmit a signal to the slave client regarding the on-off condition of the television. However, the Final Office Action indicates that this feature is taught by Griesau because

"Griseau teaches a programmable remote control that sends a desired series of button functions. Said remote taught by Griseau may be programmed to transmit a signal specifically to the slave client that corresponds to a signal sent to said television, thereby informing the slave client of the status of said television. See Col. 2, lines 11-15."

The referenced portion of the Griseau reference is reproduced below:

Remote control units have gained widespread popularity for use in remotely controlling home entertainment systems, which typically include devices such as a television set, a cable set-top box or converter, a videocassette recorder, and 15 a stereo. Typically each device includes a separate remote

The foregoing merely discloses that remote controls are popular and can be used with a variety of devices. The Applicant concedes, however, that Griseau discloses a programmable universal remote control.

However, the nothing in Griseau, Sparrell, or even the combination of Griseau and Sparrell teaches the notion of transmitting two signals, a first to the television set to turn it on or off, and a second signal unique from the first signal to the slave unit, to indicate that the television set was turned on and off. Sparrell teaches monitoring the IR channel to determine whether the TV set is likely on or off (see paragraph [112], for example). Sparrell also teaches that there are problems with simply monitoring the signal ordinarily transmitted by the remote, but teaches away from the

Applicant's solution of using a second unique signal by teaching continuous monitoring of the RF channel to make inferences as to whether the TV is on or off:

example. If there has been recent activity, but the most recent IR signal is from a power down key 410 for that TV 104, there is a greater chance that the local TV 104 is off. (The chances of this are in fact greater than if a television IR control 400 has experienced no activity for an hour or so, since the viewer may be engrossed in a program and not interacting with the session). Operational aberrations militate against using the on/off signal to the TV 104 as the exclusive technique for determining whether the TV 104 is in the ON or OFF state.

Finally, the motivation to modify Sparrell as taught by Griesau (to enable the remote control to transmit user programmable functions to multiple devices) does not address the functionality presented in claim 1, that is, the transmission of two signals, one to turn the TV off, and the other to provide the status of the TV to the slave device.

Independent claims 9 and 17 recite features analogous in relevant respects to claim 1 and is patentable for the same reasons.

Dependent claims 2-5, 13-16, and 20-21 recite the features of independent claims 1, 9, and 17, respectively, and are patentable for the same reasons.

C. Claim 6 is Patentable Under 35 U.S.C. §103(a) over Sparrell in View of Amit
Claim 6 recites the features of claim 1 and is patentable for the same reasons.

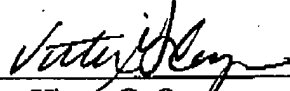
D. Claims 10-12 are Patentable Under 35 U.S.C. §103(a) over Sparrell and Griesau
Claims 10-12 recite the features of claim 9 and are patentable for the same reasons.

V. CONCLUSION

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

Date: May 6, 2008

By: 
Name: Victor G. Cooper
Reg. No.: 39,641

The DIRECTV Group, Inc.
RE/R11/A109
2250 E. Imperial Highway
P. O. Box 956
El Segundo CA 90245

Telephone No. (310) 964-4615